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PTO/SB/21 (09-04) (AW 10/2004)

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission 5

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/731,625       |
| Filing Date          | December 9, 2003 |
| First Named Inventor | Brian E. Dalton  |
| Art Unit             | 3732             |
| Examiner Name        |                  |
| Attorney Docket No.  | BBM-117US        |

### ENCLOSURES (Check all that apply)

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation,<br>Change of Correspondence<br>Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) ____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication<br>to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply<br>Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>identify below): PTO 1449<br>Form; and Return Receipt<br>Postcard |
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|              |                   |                  |        |
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| Firm Name    | RatnerPrestia     |                  |        |
| Signature    |                   |                  |        |
| Printed Name | Ellen E. Fielitz  |                  |        |
| Date         | February 18, 2005 | Registration No. | 54,746 |

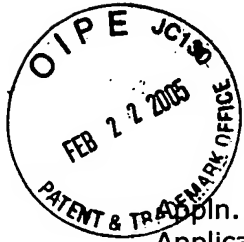
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| Signature             |                 |      |                   |
| Typed or Printed Name | Kimberly Hughes | Date | February 18, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No: 10/731,625  
Applicant: Brian E. Dalton  
Filed: December 9, 2003  
Title: BONE FIXATION ASSEMBLY AND METHOD OF SECUREMENT  
T.C./A.U.: 3732  
Examiner:

**Continuation-In-Part of:**

Appl. No: 10/615,196  
Applicant: Brian E. Dalton  
Filed: July 7, 2003  
Title: SPINAL STABILIZATION IMPLANT AND METHOD OF APPLICATION  
T.C./A.U.: 3731  
Examiner: Daniel J. Davis

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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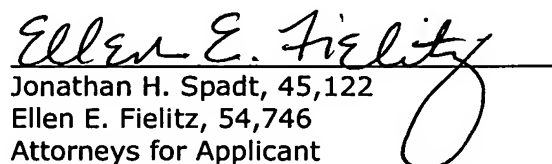
Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 submitted herewith. A copy of the references listed on the 1449 form is not required to be enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made.

This Supplemental Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application or before mailing of the first Official Action. No first Official Action has yet been received and it is presumed that none has yet been mailed. No fee or statement is required. 37 C.F.R. § 1.97(b).

Respectfully submitted,

  
Jonathan H. Spadt, 45,122  
Ellen E. Fielitz, 54,746  
Attorneys for Applicant

JHS/EEF/krh

Enclosures: PTO Form 1449  
Transmittal Form

Dated: February 18, 2005

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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Kimberly Hughes

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

SHEET 1 of 2

**Complete if Known**

Application Number 10/731,625

Filing Date December 9, 2003

First Named Inventor Brian E. Dalton

Art Unit 3732

Examiner Name

Attorney Docket No. BBM-117US

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                            | Publication Date<br>(MM-DD-YYYY) | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--------------------------------------------|----------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
|                       |                          | Number - Kind Code <sup>2</sup> (if known) |                                  |                                                    |                                                                                 |
|                       | 1                        | US-4,463,753                               | 08-07-1984                       | Gustilo                                            |                                                                                 |
|                       | 2                        | US-4,484,570                               | 11-27-1984                       | Sutter et al.                                      |                                                                                 |
|                       | 3                        | US-5,129,899                               | 07-14-1992                       | Small et al.                                       |                                                                                 |
|                       | 4                        | US-5,147,363                               | 09-15-1992                       | Härle                                              |                                                                                 |
|                       | 5                        | US-5,486,176                               | 01-23-1996                       | Hildebrand et al.                                  |                                                                                 |
|                       | 6                        | US-5,520,690                               | 05-28-1996                       | Errico et al.                                      |                                                                                 |
|                       | 7                        | US-5,531,746                               | 07-02-1996                       | Errico et al.                                      |                                                                                 |
|                       | 8                        | US-5,540,690                               | 07-30-1996                       | Miller et al.                                      |                                                                                 |
|                       | 9                        | US-5,620,443                               | 04-15-1997                       | Gertzbein et al.                                   |                                                                                 |
|                       | 10                       | US-5,669,911                               | 09-23-1997                       | Errico et al.                                      |                                                                                 |
|                       | 11                       | US-5,735,853                               | 04-07-1998                       | Olerud                                             |                                                                                 |
|                       | 12                       | US-5,749,916                               | 05-12-1998                       | Richelsoph                                         |                                                                                 |
|                       | 13                       | US-5,797,911                               | 08-25-1998                       | Sherman et al.                                     |                                                                                 |
|                       | 14                       | US-5,800,433                               | 09-01-1998                       | Benzel et al.                                      |                                                                                 |
|                       | 15                       | US-5,863,293                               | 01-26-1999                       | Richelsoph                                         |                                                                                 |
|                       | 16                       | US-5,879,350                               | 03-09-1999                       | Sherman et al.                                     |                                                                                 |
|                       | 17                       | US-5,885,286                               | 03-23-1999                       | Sherman et al.                                     |                                                                                 |
|                       | 18                       | US-5,954,635                               | 09-21-1999                       | Foley et al.                                       |                                                                                 |
|                       | 19                       | US-5,954,722                               | 09-21-1999                       | Bono                                               |                                                                                 |
|                       | 20                       | US-5,964,760                               | 10-12-1999                       | Richelsoph                                         |                                                                                 |
|                       | 21                       | US-5,976,187                               | 11-02-1999                       | Richelsoph                                         |                                                                                 |
|                       | 22                       | US-6,022,350                               | 02-08-2000                       | Ganem                                              |                                                                                 |
|                       | 23                       | US-6,030,389                               | 02-29-2000                       | Wagner et al.                                      |                                                                                 |
|                       | 24                       | US-6,033,406                               | 03-07-2000                       | Mathews                                            |                                                                                 |
|                       | 25                       | US-6,053,917                               | 04-25-2000                       | Sherman et al.                                     |                                                                                 |
|                       | 26                       | US-6,074,391                               | 06-13-2000                       | Metz-Stavenhagen et al.                            |                                                                                 |
|                       | 27                       | US-6,083,225                               | 07-04-2000                       | Winslow et al.                                     |                                                                                 |
|                       | 28                       | US-6,096,038                               | 08-01-2000                       | Michelson                                          |                                                                                 |
|                       | 29                       | US-6,132,432                               | 10-17-2000                       | Richelsoph                                         |                                                                                 |
|                       | 30                       | US-6,146,386                               | 11-14-2000                       | Blackman et al.                                    |                                                                                 |
|                       | 31                       | US-6,152,871                               | 11-28-2000                       | Foley et al.                                       |                                                                                 |
|                       | 32                       | US-6,159,179                               | 12-12-2000                       | Simonson                                           |                                                                                 |
|                       | 33                       | US-6,162,170                               | 12-19-2000                       | Foley et al.                                       |                                                                                 |
|                       | 34                       | US-6,171,311 B1                            | 01-09-2001                       | Richelsoph                                         |                                                                                 |
|                       | 35                       | US-6,197,033 B1                            | 03-06-2001                       | Haid, Jr. et al.                                   |                                                                                 |
|                       | 36                       | US-6,200,322 B1                            | 03-13-2001                       | Branch et al.                                      |                                                                                 |
|                       | 37                       | US-6,206,822 B1                            | 03-27-2001                       | Foley et al.                                       |                                                                                 |
|                       | 38                       | US-6,217,509 B1                            | 04-17-2001                       | Foley et al.                                       |                                                                                 |
|                       | 39                       | US-6,261,291 B1                            | 07-17-2001                       | Talaber et al.                                     |                                                                                 |
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|                       | 42                       | US-6,287,311 B1                            | 09-11-2001                       | Sherman et al.                                     |                                                                                 |
|                       | 43                       | US-6,290,703 B1                            | 09-18-2001                       | Ganem                                              |                                                                                 |
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|                       | 45                       | US-6,299,616 B1                            | 10-09-2001                       | Beger                                              |                                                                                 |
|                       | 46                       | US-6,328,740 B1                            | 12-11-2001                       | Richelsoph                                         |                                                                                 |
|                       | 47                       | US-6,328,741 B1                            | 12-11-2001                       | Richelsoph                                         |                                                                                 |
|                       | 48                       | US-6,328,738 B1                            | 12-11-2001                       | Suddaby                                            |                                                                                 |

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SHEET 2 of 2

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                            | Publication Date<br>(MM-DD-YYYY) | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--------------------------------------------|----------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
|                       |                          | Number - Kind Code <sup>2</sup> (if known) |                                  |                                                    |                                                                                 |
|                       | 49                       | US-RE37,665 E                              | 04-16-2002                       | Ralph et al.                                       |                                                                                 |
|                       | 50                       | US-6,780,186 B2                            | 04-18-2002                       | Errico et al.                                      |                                                                                 |
|                       | 51                       | US-6,402,752 B2                            | 06-11-2002                       | Schäffler-Wachter et al.                           |                                                                                 |
|                       | 52                       | US-6,402,756 B1                            | 06-11-2002                       | Ralph et al.                                       |                                                                                 |
|                       | 53                       | US-6,712,819 B2                            | 07-25-2002                       | Zucherman et al.                                   |                                                                                 |
|                       | 54                       | US-6,428,542 B1                            | 08-06-2002                       | Michelson                                          |                                                                                 |
|                       | 55                       | US-6,451,021 B1                            | 09-17-2002                       | Ralph et al.                                       |                                                                                 |
|                       | 56                       | US-6,514,260 B1                            | 02-04-2003                       | Zdeblick et al.                                    |                                                                                 |
|                       | 57                       | US-6,520,907 B1                            | 02-18-2003                       | Foley et al.                                       |                                                                                 |
|                       | 58                       | US-6,527,776 B1                            | 03-04-2003                       | Michelson                                          |                                                                                 |
|                       | 59                       | US-6,530,929 B1                            | 03-11-2003                       | Justis et al.                                      |                                                                                 |
|                       | 60                       | US-6,533,786 B1                            | 03-18-2003                       | Needham et al.                                     |                                                                                 |
|                       | 61                       | US-6,780,185 B2                            | 04-24-2003                       | Frei et al.                                        |                                                                                 |
|                       | 62                       | US-6,575,899 B1                            | 06-10-2003                       | Foley et al.                                       |                                                                                 |
|                       | 63                       | US-6,575,975 B2                            | 06-10-2003                       | Brace et al.                                       |                                                                                 |
|                       | 64                       | US-6,599,290 B2                            | 07-29-2003                       | Bailey et al.                                      |                                                                                 |
|                       | 65                       | US-6,623,485 B2                            | 09-23-2003                       | Doubler et al.                                     |                                                                                 |
|                       | 66                       | US-6,695,846 B2                            | 10-02-2003                       | Richelsoph et al.                                  |                                                                                 |
|                       | 67                       | US-6,645,207 B2                            | 11-11-2003                       | Dixon et al.                                       |                                                                                 |
|                       | 68                       | US-6,663,616 B1                            | 12-16-2003                       | Roth et al.                                        |                                                                                 |
|                       | 69                       | US-6,682,534 B2                            | 01-27-2004                       | Patel et al.                                       |                                                                                 |
|                       | 70                       | US-6,695,772 B1                            | 02-24-2004                       | Bon et al.                                         |                                                                                 |
|                       | 71                       | US-6,712,818 B1                            | 03-30-2004                       | Michelson                                          |                                                                                 |
|                       | 72                       | US-2001/0034521 A1                         | 10-25-2001                       | Bailey et al.                                      |                                                                                 |
|                       | 73                       | US-2001/0037111 A1                         | 11-01-2001                       | Dixon et al.                                       |                                                                                 |
|                       | 74                       | US-2002/0161368 A1                         | 10-31-2002                       | Foley et al.                                       |                                                                                 |
|                       | 75                       | US-2002/0183754 A1                         | 12-05-2002                       | Michelson                                          |                                                                                 |
|                       | 76                       | US-2003/0045875 A1                         | 03-06-2003                       | Bertranou et al.                                   |                                                                                 |
|                       | 77                       | US-2003/0060826 A1                         | 03-27-2003                       | Foley et al.                                       |                                                                                 |
|                       | 78                       | US-2003/0073996 A1                         | 04-17-2003                       | Doubler et al.                                     |                                                                                 |
|                       | 79                       | US-2003/0149431 A1                         | 08-07-2003                       | Varieur                                            |                                                                                 |
|                       | 80                       | US-2003/0208203 A1                         | 11-06-2003                       | Lim et al.                                         |                                                                                 |
|                       | 81                       | US-2003/0216735 A1                         | 11-20-2003                       | Altarac et al.                                     |                                                                                 |
|                       | 82                       | US-2004/0039384 A1                         | 02-26-2004                       | Boehm, Jr. et al.                                  |                                                                                 |
|                       | 83                       | US-2004/0127897 A1                         | 07-01-2004                       | Freid et al.                                       |                                                                                 |
|                       | 84                       | US-2004/0133207 A1                         | 07-08-2004                       | Abdou                                              |                                                                                 |
| Examiner<br>Signature |                          |                                            |                                  | Date<br>Considered                                 |                                                                                 |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

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